**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

ORIX USA CORPORATION,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 5:15-CV-00170
	§	
PRESTON HOLLOW CAPITAL, LLC,	§	Jury Trial Demanded
	§	
Defendant.	§	

PLAINTIFF'S REPORT ON MEDIATION AND PROPOSED MEDIATORS

TO THE HONORABLE COURT:

Plaintiff ORIX USA CORPORATION ("O-USA") reports to the court as follows regarding potential mediators and mediation pursuant to the Court's discovery control order and case management order as follows:

I.

The scheduling conference in this case was held on January 11, 2015. In the hallway of the courthouse that day, I asked one of Defendant's attorneys, Jeremy Fielding, whether his client would agree to former Chief Justice Tom Phillips as a mediator in this case. Chief Justice Phillips had recently mediated a case between Plaintiff and Jim Thompson, the CEO and founder of Defendant. Chief Justice Phillips had also mediated a case between Plaintiff and a former O-USA executive, Ed Smith. Mr. Fielding asked, what was the rush, and I informed him about your honor's deadline for resolving the mediation issue.

That night I contacted Chief Justice Phillips and asked him if he would agree to mediate this case and he said that he would. I informed Mr. Fielding of that fact that night and again asked whether Chief Justice Phillips would be acceptable to the Defendant. I did not receive a

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reply from Mr. Fielding but several days later received an email from another of Defendant's lawyers, Mike Lynn, who reminded me of the court's (now expired) deadline.

I informed Mr. Lynn about my communications with his partner, Mr. Fielding, and again asked if Chief Justice Phillips would be acceptable. I also suggested Otis Carroll as a potential mediator if Chief Justice Phillips was not agreeable to Defendant. Several more days have passed without a response from Defendant.

II.

Plaintiff is agreeable to mediate this case and to do so with Chief Justice Phillips who has some background and insight into O-USA and some background into Defendant's founder and CEO. At this time, however, the parties have not agreed on Chief Justice Phillips or any other mediator.

Plaintiff asks that the Court take notice of this report and appoint Chief Justice Phillips as mediator or a mediator of the Court's choosing.

Dated: January 27, 2016

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF ORIX USA
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<u>CERTIFICATE OF SERVICE</u>

This is to certify that on January 27, 2016, a true and correct copy of the foregoing instrument was served via the Court's Electronic Filing System on all counsel of record.

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